

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70522 of 2018

Arising Out of PS. Case No.-826 Year-2016 Thana- COMPLAINT CASE District- Araria

Md. Hafizuddin S/o Md. Tamijuddin, Resident of Village- Fahibhat, Ward No- 2, P.S. Kishanganj, District- Kishanganj, presently posted as Halka Karmachari, Mouza- Khairkha, Circle Office Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sanjay Mandal, S/o Late Kishun Mandal, R/o Kherkha, P.S. Forbesganj, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Sri Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-03-2019 This matter has been taken up out of turn with the consent of the parties since this matter has wrongly been listed under Tied Up matters.

Heard learned counsel for the petitioner, learned counsel for the complainant and learned APP for the State.

The petitioner is apprehending his arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 467, 468 and 471/34 of the Indian Penal Code.

The prosecution case as per the complainant is that the complainant's father, late Kishunlal Mandal purchased 42 decimals of land in the name of the sisters of the complainant,



namely, Uma Devi, Sita Devi and Basanti Devi vide registered sale deed dated 01.04.1965 from the recorded tenant, Sadanand Mandal. Thereafter, Jamabandi was created and after the death of the complainant, the complainant was only heirs but it is alleged that co-accused Jainarayan Bishwas got transferred 14 decimals of land out of 42 decimals of land vide registered sale deed dated 19.09.1995 from Ramanand Mandal. It is alleged against the petitioner that petitioner being a Halka Karamchari facilitated the mutation of the transferred land in favour of co-accused Jainarayan Bishwas.

It is submitted by learned counsel for the petitioner that for the transferred land through sale deed dated 19.09.1995, the complaint was filed in 2016. The remedy for the complainant was by filing an appropriate suit for cancellation of the sale deed. The petitioner was a Halka Karamchari and order of mutation is being done by the Circle Officer and the work of the petitioner is to submit the report to the appropriate authority. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that the part of the land of the complainant has been transferred fraudulently in favour of Jainarayan Bishwas by co-accused



Ramanand Mandal and the petitioner facilitated the said mutation.

Considering the fact that the thrust of accusation is against co-accused Jainarayan Bishwas and Ramanand Mandal and the fact that for the transfer of the land made in 1995, the complaint has been filed in 2016, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Araria in connection with Complaint Case No. 826© of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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